

NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT**

BAP NO. MW 05-054

**Bankruptcy No. 03-47109-HJB
Adversary No. 04-4341-HJB**

**MILLIVISION, INC.,
Debtor.**

**DAVID W. OSTRANDER,
Plaintiff - Appellee,
v.**

**MICHAEL GARDNER and ROY FURMAN,
Defendants - Appellants.**

**Appeal from the United States Bankruptcy Court
for the District of Massachusetts
(Hon. Henry J. Boroff, U.S. Bankruptcy Judge)**

**Before
Lamotte, Haines and Carlo, United States Bankruptcy Appellate Panel Judges.**

Melvin S. Hoffman, Esq. and Pamela A. Harbeson, Esq., on brief for Appellants.

David W. Ostrander, Esq., on brief for Appellee.

April 10, 2006

Per Curiam.

Michael Gardner and Roy Furman appeal summary judgment entered in favor of trustee David Ostrander on his complaint seeking to avoid their security interest in the debtor's assets pursuant to his 11 U.S.C. § 544(a) strong arm powers. We affirm.

The bankruptcy court's rationale is fully explicated in its written decision, Ostrander v. Gardner (In re Millivision), 331 B.R. 515 (Bankr. D. Mass. 2005). Judge Boroff thoroughly considered appellants' arguments and laid each to rest, applying correctly this circuit's summary judgment standard. Id. at 520.

Where, as here, the lower court's accurate, clearly articulated legal conclusions lay all appellants' complaints to rest, nothing would be added by a lengthy recapitulation of fact or law on our part. We need not, will not, toot our own trumpet in view of these premises.

For the reasons ably stated by the court below, its judgment is **AFFIRMED**.